

EXHIBIT R

From: Michael Neustel <michael@neustel.com>

Sent: Friday, August 2, 2024 9:53 AM

To: lester imperiumpw.com <lester@imperiumpw.com>; ehertz@dehs.com; darien imperiumpw.com <darien@imperiumpw.com>

Cc: Monte Bond <monte@neustel.com>; Michelle Breit <michelle@neustel.com>; meghann@denevanfalon.com; Shannon Falon (shannon@denevanfalon.com) <shannon@denevanfalon.com>

Subject: RE: Meet-and-Confer re Buergofol's ROG 12 and RFA 11

Dear Lester,

I am perplexed as to why you prepared a "30 page" motion to compel when I informed you last week that "*Omega is considering the other remarks in your emails below as they pertain to Omega's responses to Interrogatory No. 12 and Request for Admission No. 11 and will respond to you by next week, including possibly serving an amended response to Interrogatory No. 12.*" Instead of cooperating to find a resolution, it appears that Buergofol is attempting to create disputes where none exist.

As stated in my previous email, Omega is in the process of preparing supplemental responses to ROG. 12 and RFA 11 and you have our assurances that **we will provide the supplemental responses next week.** We believe the supplemental responses will address your concerns, but if not, we can setup a meet and confer call after you review the supplemental responses.

Furthermore, you waited almost six-months to respond to my February 6, 2024 email below regarding Interrogatory No. 12. Therefore, there will be no prejudice to Buergofol to wait until Omega serves its supplemental responses to ROG 12 and RFA 11 next week.

Finally, Judge Schreier has already denied two of your discovery motions for "not conferring in good faith" (Dkts. 143, 180). If you file a motion to compel before either (1) receiving **Omega's supplemental responses next week** or (2) meeting and conferring further after receiving Omega's supplemental responses, Omega will seek denial of your motion for failure to confer in good faith and will also seek its attorney's fees.

Regards,

Michael Neustel

Neustel Law Offices, LTD

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Email: michael@neustel.com

From: lester imperiumpw.com <lester@imperiumpw.com>
Sent: Thursday, August 1, 2024 3:07 PM
To: Michael Neustel <michael@neustel.com>
Cc: darien imperiumpw.com <darien@imperiumpw.com>; Elizabeth S. Hertz <EHertz@dehs.com>;
meghann@denevanfalon.com; Shannon Falon (shannon@denevanfalon.com)
<shannon@denevanfalon.com>; Monte Bond <monte@neustel.com>; Michelle Breit
<michelle@neustel.com>
Subject: RE: Meet-and-Confer re Buergofol's ROG 12 and RFA 11

Dear Michael,

Unfortunately, an email statement that you “anticipate” producing unknown “supplemental responses” in the future next week does not help us much. Buergofol should have had interrogatory answers long ago. The lack of answers is inhibiting resolution of issues in the litigation. Omega has already served three responses. We would like to have confidence that a very overdue fourth response will be satisfactory and will answer the interrogatory. But based on your arguments about how Omega is entitled to rely on Rule 33(d), we frankly don’t have much confidence.

What do you mean by a “supplemental response” to ROG 12? Is the “supplemental response” to ROG 12 of which you speak going to rely on Rule 33(d)? Is the “supplemental response” going to “state”, in narrative form, the four items of information requested by the interrogatory, for each liner listed in the table of the interrogatory? A responding party does not actually “produce” an answer/response to an interrogatory, so when you say “produce” are you intending to communicate that Omega will be producing more “business record” documents that Omega will be pointing to in a revised Rule 33(d) response? Or, with respect to ROG 12, are you intending to communicate that Omega will be serving a supplemental response that includes a narrative answer? I am trying to get an idea of whether the “supplemental response” to which you refer has a chance of eliminating the long-standing discovery dispute between the parties.

Please advise.

We already drafted and finalized motion to compel papers to compel Omega to answer ROG 12. The memorandum is 30 pages. Our plan is to be diligent, and to file the motion upon Darien’s return from Germany, in the next day or two. Darien needs a chance to return from his trip, and get some sleep, before we file the motion. After thoroughly reviewing the factual situation yet again, and all the documents Omega pointed to in its Second Supplemental response, and all of your arguments, we remain more convinced than ever that Omega is not entitled to rely on Rule 33(d). Buergofol,

as the requesting party, is entitled to a full and complete narrative answer. It was improper for Omega to have failed to answer the interrogatory, by pointing to documents citing Rule 33(d). You are aware of the reasons for this. We have informed you of such in detail in written meet-and-confer correspondence.

Please advise as to whether the anticipated "supplemental response" re ROG 12 to which you refer in your email below will attempt to rely on Rule 33(d).

In addition, we respectfully ask that Omega agree to **remove the AEO designation** from documents cited in our motion papers: a three-row excerpt of Attachment 1, a three-row excerpt of Attachment 2, OMEG-32369, OMEG-31243, OMEG-04150. We respectfully ask that you permit us to file the motion papers referencing those documents, so that the memorandum does not have to be filed under seal. We think the Court will appreciate ordinary briefing. Contrary to the AEO designations, there is nothing of any consequence to Omega in the documents. The documents could be published in the newspaper, and no harm of any type whatsoever would come to Omega from it. Please review the documents and see if you don't agree with me. Please advise.

Lester

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From: Michael Neustel <michael@neustel.com>
Sent: Thursday, August 1, 2024 10:50 AM
To: lester imperiumpw.com <lester@imperiumpw.com>; darien imperiumpw.com <darien@imperiumpw.com>; ehertz@dehs.com
Cc: meghann@denevanfalon.com; Shannon Falon (shannon@denevanfalon.com) <shannon@denevanfalon.com>; Monte Bond <monte@neustel.com>; Michelle Breit <michelle@neustel.com>
Subject: RE: Meet-and-Confer re Buergofol's ROG 12 and RFA 11

Dear Counsel,

Omega will provide supplemental responses to Buergofol's ROG 12 and RFA 11. I anticipate producing these supplemental responses to you next week.

Regards,

Michael Neustel

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From: Michael Neustel <michael@neustel.com>

Sent: Tuesday, July 23, 2024 10:52 PM

To: Lester@imperiumpw.com; darien@imperiumpw.com; ehertz@dehs.com

Cc: meghann@denevanfalon.com; Shannon Falon (shannon@denevanfalon.com)
<shannon@denevanfalon.com>; Monte Bond <monte@neustel.com>; Michelle Breit
<michelle@neustel.com>

Subject: Meet-and-Confer re Buergofol's ROG 12 and RFA 11

Dear Lester,

I have repeatedly explained to you the reason why Omega's attorneys are no longer willing to meet and confer telephonically with Buergofol's attorneys. For example, when we met and conferred telephonically in the past, you repeatedly referred to me with derogatory terms, including "fool" and "stupid." (See, Dkt. 215, Decl. of Neustel.) On at least one occasion, we were required to abruptly end the telephone call due to your vitriolic communications directed towards me and the other Omega attorneys that were on the call.

On August 9 and 13, 2023, I sent two letters directly addressing your conduct and requesting improvements to facilitate the resolution of discovery disputes in this case. (Dkts. 215-10 and 215-11.) Instead of amending your communication style, you filed a 30-page brief on August 16, 2023, rife with personal attacks, labeling me "ignorant" twice, "unprofessional" three times, accusing me of "ignorance" four times, and asserting I made "false statements" nine times without any substantiation. (Dkt. 195, Buergofol's Brief.)

On September 1, 2024, Omega filed a motion to strike your derogatory brief and to sanction you for your conduct. (Dkts. 213-215.) Despite this, you persisted with your personal attacks in subsequent court briefings. For instance, in your November 9, 2023 brief, you accused me of making "false statements," "misrepresentations," and "fabrications" multiple times. (Dkt. 284, 4:14-15, 7:11, 12, 15, 16, 8:7, 12:12, 15, 13:4, 14:2-3, 15:11, 19, 16:16, 17:14-15, 25:11). In your February 23, 2024 brief, you called me a "vexatious lawyer" twice (Dkt. 349, 4:12-14, 15:25-16:1), accused me of telling the Court a "lie" (*id.*, 10:5-6), and alleged I made "false statements" to the Court at least three times (*id.*, 16:5-6). (See, Dkt. 354-3 for a summary of your personal attacks.) These attacks you put in writing are similar to the ones you regularly made during telephonic

meet and confers. Judge Schreier has even noted your communications as “antagonistic” and “not conferring in good faith.” (Dkt. 143, p. 7; Dkt. 180, p. 15.)

Your emails and court filings continue to demonstrate a lack of improvement in conduct. As a result, we do not believe any meaningful meet-and-confer can occur telephonically with you. We disagree with you that written communications cannot satisfy the meet-and-confer requirements.

Omega is considering the other remarks in your emails below as they pertain to Omega’s responses to Interrogatory No. 12 and Request for Admission No. 11 and **will respond to you by next week, including possibly serving an amended response to Interrogatory No. 12** to the extent the interrogatory seeks information regarding liners that Omega made and sold during a time that Buergofol was its sole film supplier.

Best regards,

Michael Neustel

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